BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS OF:

SAN DIEGO UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT,

OAH CASE NUMBER 2021020068

and

PARENT ON BEHALF OF STUDENT,

v.

SAN DIEGO UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2020100195

ORDER GRANTING MOTION TO CONSOLIDATE AND DENYING REQUEST FOR CONTINUANCE AS MOOT

FEBRUARY 5, 2021

On October 7, 2020, Student filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, in OAH case number 2020100195, Student's Case, naming San Diego Unified School District. On November 10, 2020, OAH granted the parties' joint request and continued Student's Case to February 17, and 18, 2021.

On February 1, 2021, San Diego Unified filed a complaint in OAH case number 2021020068, San Diego Unified's Case, naming Student; a motion to consolidate Student's Case and San Diego Unified's Case, and a second request to continue Student's Case. On February 4, 2021, Student filed an opposition to the motions to consolidate and a continuance.

MOTION TO CONSOLIDATE

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a); Code of Civ. Proc., § 1048, subd. (a).)

Here, both cases involve common questions of law and fact, specifically, whether San Diego Unified, through the October 7, 2020 IEP offered Student a free appropriate public education. In addition, consolidation furthers the interests of judicial economy because it avoids duplication of witnesses and hearing time. Therefore, consolidation is granted. San Diego Unified's Case, OAH case number 2021020068, is designated the primary case. All previously scheduled dates in Student's Case, OAH case number

2020100195 is vacated. Accordingly, San Diego Unified's motion to continue the hearing in Student's Case is denied as moot.

ORDER

1. San Diego Unified's motion to consolidate is granted.
2. San Diego Unified's case, OAH case number 2021020068 is designated the primary case. All dates currently scheduled in Student's Case, OAH case number 2020100195 are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in San Diego Unified's Case, OAH case number 2021020068.
4. San Diego Unified's request for continuance is denied as moot.

IT IS SO ORDERED.

Rommel P. Cruz

Rommel P. Cruz

Administrative Law Judge

Office of Administrative Hearings